

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By **CHAIRMAN JOAN ANDERSEN**, on January 24, 2003 at 3:00 P.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Joan Andersen, Chairman (R)
Rep. Kathleen Galvin-Halcro, Vice Chairman (D)
Rep. Larry Lehman, Vice Chairman (R)
Rep. Norman Ballantyne (D)
Rep. Norma Bixby (D)
Rep. Gary Branae (D)
Rep. Nancy Fritz (D)
Rep. Carol Gibson (D)
Rep. Verdell Jackson (R)
Rep. Bob Lake (R)
Rep. Bob Lawson (R)
Rep. Clarice Schrumpf (R)
Rep. Pat Wagman (R)

Members Excused: Rep. Joe McKenney (R)

Members Absent: None.

Staff Present: Eddy McClure, Legislative Branch
Mari Prewett, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. The time stamp in these minutes appears at the end of the content it refers to.

Committee Business Summary:

Hearing & Date Posted:

Executive Action: HB 135; HB 103; HJ 8

EXECUTIVE ACTION ON HB 135

Motion: REP. ANDERSEN moved that HB 135 DO PASS.

Discussion:

REP. GALVIN-HALCRO asked if Kathy Fabiano, Assistant Superintendent, Office of Public Instruction would clarify the difference between General Fund funding and Tuition Funding.

REP. GIBSON also asked if Ms. Fabiano would be willing to explain for the committee the \$805 per student reference under the General Fund. Ms. Fabiano explained the fiscal impact to HB 135 by use of a chart which she presented to the committee, attached as Exhibit 1. Ms. Fabiano related to the committee that both the General Fund and the Tuition Fund are built from the bottom up. Ms. Fabiano stated that both funds start with the state per ANB entitlement. She further explained that the General Fund is comprised of four parts, one of which is the State Guaranteed State Tax Base Aid for each high school student, the statewide average of this aid is \$805 per student. The base budget for the General Fund is made up of the guaranteed tax base funds and a nonvoted mill levy with the rest of the funding coming from a voted mill levy. Ms. Fabiano went on to explain that the Tuition Fund is supported by a nonvoted mill levy.

EXHIBIT (edh15a01)

REP. LEHMAN explained to REP. ANDERSEN that he was concerned that passing HB 135 would be opening the door for this program to grow and become too widespread. He asked REP. ANDERSEN if she foresaw this program expanding. REP. ANDERSEN answered that it could expand. She further explained that there is an increase in students that require specialized training, however, she does not feel that it would get out of hand. REP. ANDERSEN then advised the committee on the makeup of the committee that would determine the need for the specialized training for each individual student.

REP. LEHMAN stated that he would like to see a report generated every couple of years showing the statistics for the number of students being placed under specialized training programs.

REP. BALLANTYNE asked REP. ANDERSEN if this bill would put a further burden on the local taxpayers. REP. ANDERSEN replied that it would be a further burden at the local level but would be a decrease at the state level.

REP. JACKSON commented that he felt that this bill could help schools deal with bad situations.

REP. JACKSON asked **REP. ANDERSEN** if HB 135 would provide funding for a student if the IEP team decided that student needed specialized training. **REP. ANDERSEN** replied that it would as long as the IEP after sufficient inquiring determined the need.

REP. LAKE asked **REP. ANDERSEN** to explain the IEP criteria and if the criteria could be changed. **REP. ANDERSEN** explained that when it is determined that a child may need specialized training a lot of testing is done such as, psychological, speech, hearing, and vision. Then a child study team goes over the test results. She further stated that the team is made up of those doing the testing, the teachers, the parents and sometimes the students.

REP. ANDERSEN then stated that if the child did qualify for special education services, an IEP team would be convened to work with the team, the parents and the teachers to determine the best way to provide services for the child and what training would be needed. **REP. ANDERSEN** advised the committee that every effort was made to keep the students in the regular student body.

REP. LEHMAN stated that he supported **REP. ANDERSEN'S** comments. He went on to explain that he had sat on IEP's and that they are very structured. **REP. LEHMAN** further stated that the parents are an integral part of the process and they meet several times during the course of the year to chart the progress of the student and make certain that progress is being made in the areas where there are problems.

REP. ANDERSEN clarified that the IEP has the force of law, therefore, the parents are informed of their rights to see that the special training is provided, and that they have the right to have input into the training and to meet with the folks providing training.

REP. WAGMAN asked **REP. ANDERSEN** about a case when a school board does impose a nonvoted levy if a person can determine that their taxes are being raised by reading the newspaper. **REP. ANDERSEN** answered that she was not sure that the nonvoted levy was advertized in the newspaper, however, it is referenced on the tax bills whether or not there was a nonvoted levy included.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 28}

REP. WAGMAN asked **Jeff Weldon, Office of Public Instruction OPI**, if there was a notice published regarding the total increase created by the nonvoted levy. **Mr. Weldon** stated that the law

requires that any tax increase must be published in the newspapers.

REP. LEHMAN asked Kathy Fabiano, OPI, if the law requires that there be a public notice that there is going to be a permissive levy. **Ms. Fabiano** replied that the requirement is that they notice up an intent to increase property taxes and an estimate of the number of mills. She further replied that this would be in total and not broken down in what types of mills were being levied.

Vote: Motion carried 14-0 by voice vote.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 3.9}

EXECUTIVE ACTION ON HB 103

Motion: **REP. GALVIN-HALCRO** moved that **HB 103 DO PASS.**

Discussion:

REP. LAKE commented that he had talked with his local Superintendent of Schools and was assured that the school bus people did need the increase. He further stated he had been assured that the count which would be used on this provision would be done in such a way that there would be no buses used inefficiently. **REP. LAKE** stated he would vote in favor of this bill.

REP. WAGMAN stated he had talked with the Business Manager and Superintendent from his area and was informed that they did not need the funds and encouraged him to vote no.

CHAIRMAN ANDERSEN stated that she was going to vote no on this bill. She went on to explain that the fiscal impact of this bill was 1.7 million dollars a year or 3.4 million dollars for the biennium. **CHAIRMAN ANDERSEN** further stated that if there was 3.4 million dollars available it should go into the classrooms.

REP. GALVIN-HALCRO asked **CHAIRMAN ANDERSEN** if the bill passed out of committee, would it then be referred to Appropriations. **REP. ANDERSEN** answered that was correct.

REP. LEHMAN asked Ms. Fabiano, Office of Public Instruction, OPI, if she knew the last time there was an increase for mileage for school bus transportation. **Ms. Fabiano** replied the increase was in either 1990 or 1991. She further answered that the rate of payment was eighty-five cents per mile.

REP. LEHMAN stated he would vote yes for this bill. He explained the cost of transportation and the rise in gas costs in the last 13 years. He further talked about the method of computing costs and how much simpler this bill would make it.

REP. MCKENNEY returned to the hearing.

REP. BRANAE stated that he agreed with **REP. LEHMAN**. He went on to explain that because the present system is so labor intensive anything that can be done to simplify it is worth while. He further stated that some real attempts had been made to proceed in a more efficient and better manner.

REP. GIBSON asked if anyone knew if school districts received special prices on their gas. **REP. LEHMAN** answered that schools do not pay the tax on fuel. He stated that they do get their fuel at a discount. **REP. LEHMAN** explained to the committee the poor mileage that school buses get thereby causing them to consume large quantities of fuel. He went on to state that the bus companies, as well as school districts, generally purchase their fuel in bulk which usually results in paying somewhat less for the fuel. **REP. LEHMAN** related that the cost of fuel would vary from one school district to another.

Vote: Motion carried 10-4 with **REPS. JACKSON, WAGMAN, LAWSON AND ANDERSEN** voting no by roll call vote.

{Tape: 1; Side: B; Approx. Time Counter: 3.9 - 15.9}

EXECUTIVE ACTION ON HJ 8

Motion: **REP. BIXBY** moved that **HJ 8 DO PASS**.

Motion: **REP. WAGMAN** moved **THE AMENDMENT TO HJ 8**.

Discussion:

Eddye McClure, Legislative Services explained the amendment to HJ 8 adds more criteria to the resolution, see attached Exhibit 2.

EXHIBIT (edh15a02)

REP. WAGMAN stated that regarding opportunities for other education choices that could be offered to the students either inside the system or outside of the system.

REP. JACKSON stated that he felt the bottom line was to make the student see the value of going to school. **REP. JACKSON** further

stated that he felt the amendment would result in looking beyond the school at things that could be done to help keep the students in school.

REP. WAGMAN stated that his concern was that the student be empowered to make the choice of attending school or alternative education thereby giving them some options and control over there own lives.

REP. GALVIN-HALCRO asked Eddy McClure, Legislative Services, to explain what the study would do. **Ms. McClure** responded that the question would be: "What do they have now to offer the students that is unique to them?" She further stated they would be gathering information on which schools had provided alternatives for other educational choices; whether it was alternative standards or charter school provisions. **Ms. McClure** further responded they would be gathering what people have, what they don't have and what may or may not be working now.

REP. LEHMAN stated he felt that one of the reasons there are so many problems is because young people are allowed too many choices and that they are not mature enough to make those choices.

Motion/Vote: Motion on amendment carried 14-0 by voice vote.

{Tape: 1; Side: B; Approx. Time Counter: 15.9 - 27.2}

Motion: **REP. BIXBY** moved that **HJ 8 DO PASS AS AMENDED.**

Discussion:

CHAIRMAN ANDERSEN asked Jeff Weldon, Office of Public Instruction OPI, to explain the Montana American Indian Dropout Prevention Project and how it would work and if it were doing the same thing the study would do. **Mr. Weldon** explained that the Department of Education gave OPI a grant. Of this grant each of the six Montana schools; Browning, Poplar, Lame Deer, Box Elder, Rocky Boy and Heart Butte would receive \$40,000 each to cover a two year period. He further explained that the resolution would give OPI the opportunity to have more people involved in the process. **Mr. Weldon** stated that there was no way only one agency could fix the problem that it would take much larger dialogue and more imaginable people.

REP. LAKE commented that there had been many studies but there are schools such as the school on the Salish-Kootenai Reservation that is working very well and that it bothers him that they continue to do more studies when there is obviously something

that is working in one place. He further stated that maybe they were just not getting the information across of what is working to the other schools. **REP. LAKE** explained that he was worried that the study would not be acted upon.

CHAIRMAN ANDERSEN explained to the committee that House Joint Resolutions are merely recommendations. She went on to explain that what happens when there are recommendations such as this, that puts forth the idea that something needs to be studied, these resolutions are put on a piece of paper at the end of the session and each member receives them and then prioritizes them. The Legislative Council then decides which studies will be done during the interim and they are assigned to the proper committees. **CHAIRMAN ANDERSEN** further stated that just because there is a resolution, it does not mean anything will come of it.

REP. BIXBY stated that if this study were chosen information and recommendations would be compiled. She further explained that the information and recommendations gathered could then be used to help to develop legislation that would create changes.

REP. WAGMAN stated that he felt there was a definite problem and if it was not addressed, no answer would be found.

REP. GIBSON commented that between the eighth grade and high school they are losing a large number of the American Indian students and there is a need to know what is causing it.

REP. JACKSON stated that it is a critical problem area that needs to be addressed.

REP. LEHMAN asked Mr. Weldon about OPI's funding and how it would supplement or subsidize the study. **Mr. Weldon** answered that OPI's grant was for one year with the expectation that it would be funded for an additional two years for a total of three years. He further stated that if the Interim Committee worked on the study for two years, OPI's work would correspond for those two years and give them the opportunity to try to apply some of the results of the study in the third year at some of the test sites.

CHAIRMAN ANDERSEN asked **Mr. Weldon** how they chose the schools involved. **Mr. Weldon** answered they were all schools on Indian Reservations and they all had the highest dropout rates.

CHAIRMAN ANDERSEN asked **Mr. Weldon** if there were just the high schools or K-12. **Mr. Weldon** replied that in most of the schools it was the high schools but that one of the schools was mentioned as K-12.

CHAIRMAN ANDERSEN asked **Mr. Weldon** about the reading program at Pryor and if they were going to put focus reading in the elementary schools as that was where reading skills were developed and without them students were left behind. **Mr. Weldon** stated he believed the reading program in question was associated with a specific federal grant but was not sure how the schools were chosen. He further stated that this study was not focused on reading skills but reading was probably one of the variables that needed to be looked at.

REP. LEHMAN stated that the resolution did not speak to any particular grade level. He went on to say that it only talked about dropout rates.

Vote: Motion **carried 14-0 by roll call vote.**

ADJOURNMENT

Adjournment: 4:15 P.M.

REP. JOAN ANDERSEN, Chairman

MARI PREWETT, Secretary

JA/MP

EXHIBIT (edh15aad)